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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Combined second and third periodic reports of States parties

ROMANIA*

* For the initial report submitted by the Government of Romania, see CEDAW/C/5/Add.45. This document has been translated from an unedited original.

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INTRODUCTION

1. An initial report was submitted to members of the Committee in 1987 (CEDAW/C/5/Add.45). Since the revolution of December 1989 brought radical changes to the country's legislation and political and institutional structures, it would have been neither appropriate nor expedient to consider a report that had been completely overtaken by the events.

This report is therefore intended to cover the entire period since ratification, focussing on the current situation but referring, where necessary, to the situation prevailing before December 1989.

2. The first part of the report contains information on changes in the country's political life after the revolution of December 1989 and a general introduction to the new Constitution and the laws now in force relating to women's rights. It also gives an overview of the situation of women in the country's political, economic and social life.

This part should be read in close conjunction with the core document submitted to the Human Rights Committee in July 1992.

3. The second part of the report is devoted to legislative provisions now in force and relating to various articles of the Convention, to special measures adopted to improve the situation of women and to the difficulties and problems that remain to be overcome.

4. Comprehensive statistics are not available at present in every area or on every subject. As such data are collected, they will be submitted to the Committee.

Under these circumstances, efforts have been made to include figures and facts with a view to providing as clear a picture as possible of the status of women in Romania in the light of the provisions of the Convention.

5. This report is long overdue, and we regret any inconvenience resulting from the delay. Its late submission is attributable to the need to reflect the new democratic policy being applied in the country, at least in some of its quintessential aspects.

PART ONE

1. After the revolution of December 1989, Romania took irreversible steps on the road to democracy, freedom and human dignity, towards the building of a State based on the rule of law and respect for human rights and freedoms.

From the beginning, respect for and protection of basic human rights and freedoms were among the main priorities of the new Romanian authorities, both in domestic affairs and in international cooperation. The authorities expressed their profound conviction that maintaining high standards and effective mechanisms for the exercise of human rights is essential to progress in individual countries and cooperation among States.

The new Romanian authorities also took an entirely new approach to cooperation in human rights with other States and international organizations.

One of the priorities was the abrogation or revision of restrictive and undemocratic legal provisions and the adoption of new laws designed to provide a suitable legal framework for the exercise of human rights and freedoms in conformity with the international obligations undertaken by Romania.

An important step forward toward democratization of society was the recognition of political pluralism through Decree-law No. 8/31 of December 1989. The right to freedom of association and to trade union freedom was also acknowledged, facilitating the establishment of a multitude of political parties and organizations, independent trade unions, trade union federations and confederations, non-profit associations and other institutions that determine the political shape of Romanian society today. Guarantees and regulations on the right to peaceful assembly and on the organization of public meetings have been adopted.

Closely paralleling the efforts to modernize domestic legislative and institutional structures for the promotion and protection of human rights, special attention was and is paid to Romania's participation in the relevant international legal instruments.

Following the December revolution, Romania acceded to a number of important conventions and protocols in the field of human rights:

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Convention on the Rights of the Child;
- The Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;
- Protocols Additional I and II to the Geneva Conventions of 1949 relating to the protection of victims of international armed conflicts and to the protection of victims of non-international armed conflicts;
- The Convention and Protocol relating to the Status of Refugees.

The Government of Romania has fully cooperated with special rapporteurs and other United Nations emissaries and with the international organizations active in human rights matters.

By its Decree No. 342/1981, Romania ratified the Convention on the Elimination of All Forms of Discrimination against Women. In 1990, the reservations formulated by Romania in the past to a number of international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Political Rights of Women - reservations relating to the mandatory jurisdiction of the International Court of Justice - were withdrawn.

Romania is a party to the two International Covenants on human rights, to the Convention on the Rights of the Child and to other human rights instruments that contain provisions directly or indirectly relevant to the status of women.

The Romanian Parliament is now examining the first Optional Protocol to the International Covenant on Civil and Political Rights, adopted on 16 December 1966.

2. In Romania, women constitute 50.9 per cent of the entire population and 45.2 per cent of the labour force.

The status of women in Romania under existing regulations does not represent a real impediment to their involvement and advancement in the new democratic institutions. On the contrary: all undemocratic rules aimed at limiting the rights and freedoms of women - or of any other citizens, for that matter - were abrogated in the very first days following the revolution.

In this context, we may mention:

- Decree-law No. 6/1990, abolishing the death penalty;
- Law No. 19/1990, modifying the Penal Code and the Code of Criminal Procedure in such a way that torture and similar treatment are considered offences and are punishable as such;
- The basic principles on criminal proceedings, including those relating to the freedom of the person and the right to a fair trial, which have been reformulated and supplemented by Law No. 132/1990 (whose primary relevant provisions have been incorporated in the Constitution);
- All regulations prohibiting or limiting the free movement of individuals have been abolished. Decree-law No. 10/1990 on passports and foreign travel enunciated the right of each Romanian citizen to travel freely abroad and abolished entry and exit visas for Romanian citizens;
- Decree-law No. 8/31 of December 1989, on the functioning of political parties and non-governmental organizations, established the legal framework for the development of political pluralism and for the effective exercise of political rights;
- Decree-law No. 1/26 of December 1989, abrogating the provisions of the Penal Code (articles 185-188) that designated the interruption of pregnancy as an offence, and Decree No. 770/1966, on the interruption of pregnancy.

The Constitution of Romania, in force since 8 December 1991, states, in article 4, paragraph 2, that "Romania is the common and indivisible homeland of all its citizens, without distinction as to race, nationality, ethnic origin, language, religion, sex, political view or affiliation, wealth or social origin", while article 16 sets out the principle of equality of citizens before the law and the authorities, without privileges or discrimination. The decree-laws and laws adopted by the new legislature and the government's decisions respect the principle of equality of the sexes in the specialized fields of civil, commercial, labour and family law.

The real situation, however, at least from the statistical standpoint, does not correspond to the desiderata enunciated in the law, especially in certain areas: participation of women in governmental or decision-making organs and their accession to economic or administrative posts, for example.

It is obvious that legal provisions - whose equity and clarity are beyond doubt - cannot of themselves ensure equality between the sexes in the various spheres of social and public life. The Government and the new political forces are aware that in order for legal norms to be implemented in practice, they must be accompanied by guarantees, affirmative economic and social action and determined political efforts.

One such guarantee would be to accord women equality of opportunity to participate in the direction of public affairs: this would require the necessary preconditions to be met and a social consciousness created such that discrimination would be eliminated de facto.

Obviously, economic independence is the first step towards equality of opportunity and prospects. Such independence is a fundamental component but is not sufficient in itself. Within the above-mentioned percentage of women in the country's labour force, and who therefore enjoy economic independence, the number of women holding administrative posts in the State government is exceedingly limited. While economic independence may be an essential component of women's liberation, it is only access to public life and the exercise of political rights that will guarantee women real equality.

Indeed, any analysis of equality using only formal or even quantitative elements may result in false conclusions about emancipation, if enlightened involvement is not taken into account.

In this connection, it may be useful to note that during the period of dictatorship, equality among the sexes and the need for advancement of women were proclaimed in the form of mandatory figures and quotas for employment in governmental administrative jobs and important Communist party positions. This practice was intended to present the dictatorial regime as democratic.

Such phenomena provide one explanation for the decline in the participation of women in public life after the Romanian revolution. As the years passed, the public became disillusioned with the image of the "woman leaders" brought forward by the totalitarian system for propaganda purposes and on the basis of political criteria or family ties to the nomenclatura, with no regard for any real scale of values.

In the wake of this unfavourable experience, women in the new Romanian society now have the complex task of overcoming a handicap and recovering their own identity and the place due to them, as well as regaining confidence in themselves.

An analysis of the proportion of women in the structures of the embryonic democratic system points up deficiencies in their representation. Out of the total number of parliamentarians (516), there are only 23 women (22 in the Chamber of Deputies and 1 in the Senate). Within the government, there are only a few women with the rank of secretary of state. Among the regional executive bodies, the highest post held by a woman is that of sub-prefect. It should be noted, however, that the regulations in force relating to the operation of these institutions and the electoral law contain no trace of discrimination based on sex.

The authorities are aware of the need for participation of women in political life, but the means at their disposal for achieving that end are still inadequate, being limited to activities aimed at raising public awareness and promoting and supporting the establishment of womens' organizations.

In a young and fragile democracy, trade unions also play a significant role. Nevertheless, no woman has yet been selected to head a trade union federation or confederation, even in those where women are in the majority (education, health, textile industry). This is also true for the leadership of political parties. Yet the fact that women hold no key positions in the trade union movement in no way diminishes the contribution they make within these socio-professional organizations. Given that trade unions directly express the interests of those they represent, working women can take pride in having forced onto their platforms a number of specific protection measures.

One category of such measures involves guaranteeing the interests of working women by achieving greater social protection.

An adverse factor that has recently emerged on the social scene is the growth in unemployment, especially among women. The rapid transformation of economic structures has effected major changes in working conditions. The privatization of some State enterprises and the competitive ethic imposed by the market economy lead to high social costs and, above all, to unemployment.

An increase in unemployment and accelerated impoverishment of the most vulnerable population groups have recently become apparent. A number of social protection measures have been instituted, though they do not suffice to erase the effects of inflation and unemployment.

Of the total number of the unemployed - 312,638 at the end of January 1992 - women account for 183,233. There are more unemployed women among workers or employees with average professional qualifications than among qualified professionals. It should also be noted that the number of unemployed women exceeds the number of men without work in every professional category. Unemployed women represent 57.5 per cent of the total of unemployed manual workers, unemployed women with average professional qualifications account for 66.5 per cent of those without work in this category and women with a higher educational degree are 53.2 per cent of the total in that category.

As the privatization of the economy continues, we can expect to see new jobs appear, especially in the private sector, but here the social protection envisaged in the labour legislation may face a number of obstacles, especially as far as monitoring is concerned. Women, who are heavily burdened by the current economic recession, may be obliged to accept lower salaries, inadequate working conditions, shorter paid leave, etc.

Although the statistics quoted so far give a relatively unfavourable picture of the participation of women in political affairs and decision-making, when one turns to professional activity and women's position in society, which are also reflected in the statistics, the remarkable contribution made by women to social and economic progress, a basic precondition for the strengthening of the new democracy, becomes immediately apparent.

As has already been pointed out, women represent 45.2 per cent of the labour force, but if one looks at the various activities in which they are involved, one sees that they outnumber men in many fields, including: health, social services and physical education - 75.3 per cent; education, culture and the arts - 65.6 per cent; movement of goods - 63.7 per cent (data as at 31 December 1990).

The main conclusion to be drawn from these figures is that several fields of vital importance, not only now but also for the future of society - health, education, culture, public finance, trade - are dominated by highly qualified women workers.

In agriculture, where female labour is currently widespread, and in industry, where women are practically in the majority, significant changes have already occurred or are about to take place.

As for vocational training in educational institutions, especially State-run ones, and leaving aside the disciplines traditionally dominated by women, we observe a "feminization" - amounting to 80 per cent or more - of professions that were predominantly masculine ones, particularly law and medicine. The class of 1991 at the Faculty of Law in Bucharest comprised only 6 men out of a total of 110 students.

Concerning the proportion of women in the new democratic institutions, we must draw attention to the number of women judges, the judiciary being an institution now starting to function on the basis of the principle of separation of powers. Out of a total 1,505 judges, 710 are women. This figure reflects the "feminization" of this profession in the light of the above-mentioned situation in legal training.

The great number of women in higher education in the humanities and in the professions described above reveals their extraordinary potential and suggests that their current position in Romanian society will not remain unchanged forever.

The non-governmental organizations that are playing an increasingly important role in all democratic societies may represent a solution, as well as a springboard for women into public life. A number of women's non-governmental organizations are active in Romania today - the League of Women, the National Women's Union, the Women's Association - each with its own statutes and programmes.

The purpose of these organizations is to improve the position of women in society, working relations and family life through education, persuasion and political influence.

PART TWO

A constant concern to incorporate in and guarantee through the law the human rights proclaimed by the documents of the United Nations and the Conference on Security and Cooperation in Europe (CSCE) has characterized the legislative efforts made after the revolution of December 1989.

The most important legal provisions designed to guarantee equality of rights for women and men and to prohibit all forms of discrimination between the sexes are contained in the Constitution, the Family Code and the Labour Code.

We shall now describe a number of Romanian legislative provisions related to certain articles of the Convention.

Articles 2 and 3

The Romanian Constitution, adopted on 8 December 1991, states, in article 16, that all citizens are equal before the law and the governmental authorities, with no privileges or discrimination whatsoever.

Article 26 enunciates the obligation of the authorities to respect and protect private lives, intimate relations and families.

Article 20 embodies extremely important principles, stating that the constitutional provisions relating to the rights and freedoms of citizens shall be interpreted and applied in conformity with the Universal Declaration of Human Rights, the Covenants and the other treaties to which Romania is a party. Wherever the Covenants and human rights treaties to which Romania is a party diverge from domestic legislation, the international regulations take precedence (art. 20, para.2). In the same context, article 11, paragraph 1 obliges the Romanian State to carry out in good faith the obligations incumbent upon it under the treaties to which it is a party.

Following its ratification, the 1979 Convention has become part of domestic law, which means that its provisions may be invoked before the courts and the public authorities, like any other legal provision in force. All other legal provisions must be interpreted and applied in the light of the provisions of the Constitution, and in the event of any divergence whatsoever, the Constitution prevails over domestic law.

Article 21 has an important provision: "Any individual may seek judicial intervention to defend his or her rights, freedoms and legitimate interests. No law may limit the exercise of this right."

The exercise of some rights or freedoms may be restricted solely by the law, and only where this is necessary for the defense of national security, public order, health or morals or the rights and freedoms of citizens; to facilitate criminal investigations; or to avert the consequences of a natural disaster or extremely serious accident (art. 49, para. 1). The restriction must be proportional to the situation that caused it and may not jeopardize the very existence of the right or the freedom restricted (art. 49, para. 2).

The principle of equality between men and women is also reflected in a number of legislative provisions.

Decree No. 31/1954 on individuals and corporate entities states, in article 4, paragraphs 1 and 2, that "All individuals and corporate entities shall be entitled to enjoy civil rights.

"Sex, race, nationality, religion, cultural level or origin shall have no influence on the enjoyment of such rights."

Article 6, paragraph 1, states: "No one's capacity for enjoyment of rights shall be restricted, and no one shall be deprived, wholly or in part, of the capacity to exercise their rights, except in the cases and circumstances established by the law."

The Family Code adopted in Law No. 4/1953 contains provisions relating to equality of men and women, both in the relations between spouses and in the exercise of parental rights and duties.

Women are subject to the same terms as men in respect of administration of justice and legal assistance.

The Romanian Parliament has recently adopted a new law on judicial organization (Law No. 92/1992), which states, in article 4:
"Justice shall be administered on terms of equality to all individuals without any distinction as to race, nationality, ethnic origin, language, religion, sex, political view or affiliation, wealth or social origin."

Women enjoy the same opportunities as men to exercise their rights and to assume their responsibilities by concluding juridical acts. They are fully entitled to exercise their legal rights before the courts or other jurisdictional bodies, with no discrimination made between men and women.

The Labour Code adopted in Law No. 10/1972, revised after the revolution by Decree-law No. 4/1990, provides for equality of men and women in working relations and establishes special measures for protection of working women.

Article 4

The Romanian Government has adopted no temporary special measures aimed at accelerating de facto equality between men and women. We may state, without fear of contradiction, that legislative measures to this effect do not seem necessary, given that from the legislative point of view women enjoy equality of opportunity to become involved in politics, socio-economic activities and cultural life. Achieving de facto equality does, however, require the fostering of social attitudes that will effectively eliminate discrimination. But this is a process that has more to do with education, and in which the State can intervene only with difficulty through special measures.

The Romanian Government has adopted special measures aimed at protecting maternity that are not considered discriminatory. Women have the right to paid maternity leave of 11 days. If they so desire, they may remain at home thereafter to care for small children up to the age of 1, with such leave being remunerated at 65 per cent of their regular salary. The State grants women an allowance upon the birth of a third child, accords financial aid to wives of enlisted men performing military service and gives children's grants (to working parents) and grants for children placed in families.

Women are also entitled to paid leave to care for sick children up to the age of 3.

Article 5

In institutionalized public life, where the State has the opportunity to intervene, regulate and control, all legislation, structures and initiatives exclude any behaviour or prejudice based on the idea of the superiority of one sex over the other or of stereotyped roles for men and

women. In private life, however, where the State may not intervene, one still encounters prejudices and stereotypes based on sex. There are still sectors of the population where women are placed in a position of inferiority: this is particularly true in the less well educated population groups. Educational levels must consequently be raised, and groups lacking education must be targeted.

One cannot say that there is a phenomenon of violence against women.

However, domestic violence does occur, particularly in the impoverished social sectors where the level of education and culture is very low.

In such cases, women have the opportunity to bring charges. The Penal Code sets out punishment for assault and other acts of violence (article 180), bodily harm (article 181), physical violence with serious consequences (article 182) and physical violence resulting in death (article 183). Nevertheless, it is true that the legal texts cited above are not specifically intended for the protection of women: they apply to all citizens.

The Penal Code also sets out punishment for rape (article 197), sexual relations with women who are minors (article 198) and seduction (article 199).

Article 6

Romania is a party to the two international conventions on slavery adopted in Geneva in 1926 and 1956. The Romanian Penal Code accordingly establishes penalties for slavery and subjection to forced or involuntary labour.

The Constitution does not expressly prohibit slavery, but this is implicit in numerous provisions relating to freedom, equality and dignity. Romania has had no cases of slavery since the nineteenth century.

The Penal Code adopted in 1968 (and partially modified after the revolution) makes prostitution, trafficking in women and exploitation of women's prostitution a crime subject to punishment.

Article 328 makes prostitution a crime: "The acts of an individual who acquires the means of subsistence by engaging for that purpose in sexual relations with a number of persons are punishable by imprisonment ranging from three months to three years."

Article 329 makes procurement a crime: "The act of promoting or imposing prostitution, of gaining advantages from the practice of prostitution by another person, of recruiting a person for prostitution, or of trafficking in individuals for this purpose, is punishable by imprisonment ranging from one to five years and by the withdrawal of certain rights."

Romania is a party to the International Convention for the Suppression of the Traffic in Women and Children, adopted in Geneva on 30 September 1921, the Convention for the Suppression of the Traffic in Women of Full Age, adopted in Geneva on 11 October 1933, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, opened for signature in Lake Success (New York) on 21 March 1950, as well as to the Final Protocol to that Convention.

Article 7

The Romanian Constitution states, in article 34: "Citizens shall have the right to vote as from their eighteenth birthday, which may take place up to and including the date of the elections.

"The mentally ill or the insane who have been committed to an institution, and persons condemned by judicial order to definitive loss of voting rights, shall not be entitled to vote."

Article 35 states: "Citizens enjoying the right to vote and fulfilling the conditions set out in article 16, paragraph 3, shall have the right to be elected, if they are not prohibited from joining political parties under the terms of article 37, paragraph 3."

Article 37 incorporates the right of citizens to freedom of association:

"Citizens may freely form political parties, trade unions and other types of associations" (para. 1).

One must note that in all of these provisions, the law makes no distinction between men and women as regards the exercise of these rights, merely referring to "citizens". Obviously, these texts must be interpreted jointly with article 16 of the Constitution, which proclaims the equality of rights of citizens.

As regards non-governmental organizations, there are many of these in Romania, as has been observed above.

Article 8

In Romania, women have the same rights as men to represent their government at the international level and to participate in the work of international organizations. Here again, no discrimination is made.

The same opportunities are open to women to take part in negotiations, and in fact, in diplomatic relations, international trade and other spheres of international relations, women have formed part of official delegations participating in high-level conferences, seminars and workshops. Both at the governmental level and through commercial associations and non-governmental organizations, women have the opportunity to participate in international meetings, seminars, colloquia, etc.

It is true that it is still men who most often perform the functions of diplomatic representation, but this is not due to restrictions imposed on women. An increase in the number of women representatives will occur as the democratization of society and the evolution of attitudes proceeds.

Article 9

In accordance with article 5 of the Constitution, "Romanian citizenship is acquired, retained or lost under the circumstances set out in the fundamental law.

A person who acquires Romanian citizenship by birth may not be deprived of such citizenship."

In 1991, Law No. 21, the law on Romanian citizenship, was adopted.

Under this law, neither the conclusion of a marriage contract between a Romanian citizen and a foreigner nor its termination, revocation or annulment may have any effect whatsoever on the citizenship of the spouses.

A person who has lost Romanian citizenship may reacquire it through repatriation, if so desired. The recovery of Romanian citizenship by one spouse has no effect on the citizenship of the other. The spouse, whether a citizen of another country or a stateless person, of the person who is repatriated may request Romanian citizenship.

Revocation of Romanian citizenship has no effect on the nationality of the spouse or children of the person whose citizenship has been

withdrawn. The same provisions apply in cases where the renunciation of Romanian citizenship is granted.

A number of articles give women equal rights with men regarding the citizenship of their children.

When a child who has citizenship other than Romanian or is stateless is adopted by spouses only one of whom is a Romanian citizen, the citizenship of the child will be determined by common agreement between the adoptive parents, if the child is a minor. Should the parents fail to reach agreement, the court with jurisdiction for adoption matters will determine the citizenship of the child, taking due account of the child's interests. If the child has reached the age of 14, his or her agreement is necessary.

Parents who undergo repatriation determine the citizenship of their children; should they fail to reach agreement on this subject, the court in the place of residence of a child who is a minor will determine his or her citizenship, taking due account of the child's interests. If the child has reached the age of 14, his or her agreement is necessary. The same provisions apply where one of the parents requests and obtains Romanian citizenship: the two parents will decide on the citizenship of a child who is a minor, while the court may intervene in case they fail to reach a decision.

If both spouses are granted permission to renounce their Romanian citizenship and the child is with them abroad or leaves the country with them, he or she, if a minor, loses Romanian citizenship on the same date as the parents do. If the parents lose citizenship on different dates, the child loses it upon the latest of the two dates. A child who is a minor and who, in order to take up residence abroad, leaves the country after his or her parents have lost their Romanian citizenship loses Romanian citizenship upon the date of his or her departure from the country.

A child who is a minor and a Romanian citizen and who is adopted by a foreigner loses Romanian citizenship if the adoptive parents or parent expressly so request and if the law of the foreign country authorizes the adopted child to acquire the nationality of the adoptive parent.

The provisions on citizenship thus guarantee equality of men and women in respect of the citizenship of their children.

Article 10

Article 32 of the Constitution embodies the right to education under terms of complete equality for all citizens.

As regards access by women to education at all levels and the possibility of teaching or being instructed as part of the educational/research process, there is no discrimination against women, and no tendency to exclude them.

Women have free access to studies at all levels, with no discrimination in comparison with men or between women who live in cities and those in rural areas.

The system is coeducational at all levels. We can state that stereotypes no longer exist regarding access to education for women, including to higher education. Girls and boys have equal opportunities to obtain grants and other State-funded assistance in pursuing their studies, the sole criteria for provision of such benefits being personal merit and good results in schoolwork.

There is no gap in the educational levels of women and men: this is only natural, since girls and boys are given equal opportunities in this area and no discrimination is practised.

Compulsory schooling (for eight years) is free of charge. Secondary schooling (high school) and higher education are also free of charge. There are, in addition, private universities. Women have the same opportunities as men in regard to their instruction and improvement in all educational institutions, both private and public.

Competitions for advancement held at various levels of the educational/research system and in a number of fields of study are organized around the same principle of equal rights.

There are no discriminatory measures against women in cultural affairs. The normative instruments in this area respect the principle of equality. In conformity with the new principles to be applied in the cultural field - full creative liberty and equality of opportunity - new regulations are to be adopted in the near future concerning copyright protection, support for and promotion of the fine arts, the national cultural heritage, etc. These regulations will establish the basis for affirming women's role in cultural life in conformity with international standards.

It must be pointed out that women predominate in education, culture and the arts - 65.6 per cent of the total employed in these areas.

As for the involvement of women in education, both as students and as teachers, the situation was as follows for the academic year 1991-1992:

1. Primary school education

	Total	Boys	Girls
Students	2,639,279	1,351,782	1,287,487

	Total	Men	Women
Teachers	159,199	43,762	115,437

2. Secondary school education

	Total	Boys	Girls
Students	778,420	335,734	442,686

	Total	Men	Women
Teachers	55,013	25,019	29,994

3. Vocational training, related instruction and apprenticeships

	Total	Boys	Girls
Students	375,303	251,527	123,776

	Total	Men	Women
Teachers	5,319	3,114	2,205

4. Postsecondary, technical and supervisory training

	Total	Boys	Girls
Students	54,907	31,301	23,606

	Total	Men	Women
Teachers	1,300	997	303

5. Higher education

	Total	Boys	Girls
Students	215,226	116,194	99,032

	Total	Men	Women
Teachers	17,615	12,694	4.921

There is no discrimination between men and women as regards the opportunity to participate actively in sports and physical education.

As for reducing the female student drop-out rate, we may say that this problem does not arise at the national level. The problem does present itself, however, within one minority group in particular - the Roma - where we see the highest number of women (girls) abandoning their studies. A programme is being developed to raise the educational level and reduce the drop-out rate in this ethnic group.

Article 11

Article 38 of the Constitution states, in paragraph 1, "The right to work may not be restricted. Professions and posts shall be freely chosen," and, in paragraph 2, "Workers shall have the right to social protection of their labour. Such protection measures shall relate to occupational safety and hygiene, regulations on the labour of women and young people, the institution of a minimum wage in the light of the economy, weekly rest days, paid annual leave, work under arduous conditions and other specific situations." Paragraph 4 of the same article stipulates: "For equal labour, women shall receive a salary equal to that of men."

Article 43 on the standard of living states, in paragraph 2, "Citizens shall have the right to retirement benefits, paid maternity leave, medical aid in State health care establishments, unemployment benefits and all other forms of social welfare payments provided for by the law."

The Labour Code, in article 2, indicates:

"The right to work, with the possibility of carrying out activities in the economic, technical, scientific, administrative, social or cultural field in conformity with the aptitudes, vocational training and aspirations of each individual, and as a function of the needs of society, is guaranteed to Romanian citizens with no limitations or distinction whatsoever based on sex, nationality, race, religion, political views or social origin."

Article 14 states:

"Broad possibilities for self-affirmation shall be given to women in the context of full social equality with men through equal pay and special protection measures for work equal to that of men. The right of women to hold any and all functions and posts on the basis of their training is guaranteed, so that they may contribute to the development of material production and intellectual creation while at the same time enjoying the necessary conditions to raise and educate their children."

Women have equal opportunities to perfom any kind of work, with the same selection criteria being applied to them as to men. They have the right freely to choose their post, and a work contract may be concluded only with their consent.

Article 146 sets out special protection measures for some categories of workers such that the termination of contracts with them on the part of managers of an enterprise is prohibited. This applies to individuals who are temporarily incapacitated or are receiving social welfare payments and to women who are pregnant, on maternity leave, breast-feeding or caring for an infant less than one year of age or for a sick child less than three years of age, as well as to women whose spouses are performing their military service.

The Labour Code devotes an entire chapter to the regulation of the work of women and young people.

It reaffirms the principle whereby for work equivalent to that of men, women have the right to receive equal pay. In 1957, Romania ratified the Equal Remuneration Convention of the International Labour Organisation (ILO) and respects its provisions, both in its legislative activities and in terms of implementing the labour regulations.

A number of special protection measures for working women are enunciated.

The employment of pregnant or breast-feeding women in places of work under conditions that are harmful, difficult, hazardous or subject to medical contraindication is prohibited. Women exposed to such conditions are to be assigned to other posts without loss of salary.

Pregnant and breast-feeding women may not work at night, and in general, night work for women is severely restricted under the law, which gives an exhaustive list of the only situations in which women may be allowed to perform it.

Article 12

Health care services are organized in such a way as to preclude any form of discrimination.

Even before the revolution, special measures were adopted to provide medical assistance to pregnant women throughout their pregnancy and after the birth of the child.

Pregnant women are covered by special instructions for the health care services that are to assist them during their pregnancy. After the birth, both the mother and the child are cared for in equal measure by

health care services and social services, which not only give medical aid but also help with the adaptation of the newborn to the family, and of the family to the baby. Each physician is responsible for a certain number of newborns that he or she visits regularly and monitors in the clinic, thereby ensuring the necessary medical care, at least for the first year of life.

Romania's difficult economic conditions have thus far made it impossible to set up a national programme to provide all women with adequate nutrition during pregnancy and breast-feeding.

In the meantime, the medical services advise women on their nutritional needs during pregnancy and breast-feeding.

Article 13

In these areas there is no discrimination against women. The level of culture is high enough so that such discrimination is unimaginable.

The country's deteriorating economic situation affects women as well as men. Yet the fact remains that women are more vulnerable to its effects, and are often its primary victims.

Article 14

The legislation in force makes no distinction regarding the equality of men and women in rural environments. There are disparities, however, in the retirement benefits accorded to women in cities and to those in rural areas, disparities attributable to economic causes, and particularly to the fact that people in rural areas have additional income from, for example, small family farms.

It is also true that women in rural areas have a lower level of culture and vocational training, which reduces their opportunities for participating in social and cultural life. But these differences are not motivated by discrimination: it is rather a question of attitudes.

A shift in orientation is envisaged. As part of the economic transition measures, women in rural areas are to given living conditions aligned as closely as possible upon those of women in cities.

Social security programmes are to be expanded to cover the entire population, in both urban and rural areas; these programmes comprise old-age, invalidity and sickness benefits and the general social welfare fund.

The Government also plans to improve social, medical, educational and other services in rural areas.

Article 15

As has already been pointed out, article 16 of the Constitution provides for equality of rights of citizens before the law and the authorities, with no privileges or discrimination.

Women have the right to administration of justice and legal counsel on the same basis as men.

Women have the same opportunites as men to exercise their rights and assume their responsibilities by concluding juridical acts. They are fully entitled to exercise their legal rights before the courts or other jurisdictional bodies, with no discrimination made between men and women.

Decree No. 31/1954 on individuals and corporate entities states, in article 4, paragraphs 1 and 2, that "All individuals and corporate entities shall be entitled to enjoy civil rights.

"Sex, race, nationality, religion, cultural level or origin shall have no influence on the enjoyment of such rights."

Article 6, paragraph 1, states: "No one's capacity for enjoyment of rights shall be restricted, and no one shall be deprived, wholly or in part, of the capacity to exercise their rights, except in the cases and circumstances established by the law."

Regulations concerning equality of rights are considered to fall within the domain of public order. Consequently, any contract or other instrument having the effect of limiting the legal capacity of women is considered to be null and void ab initio, and this nullity may be invoked not only by the person concerned but also ex officio.

As regards freedom of movement, this right is guaranteed by article 25 of the Constitution for all citizens, with no discrimination. The second paragraph of this article embodies the right of each citizen to establish his or her domicile or residence in any location whatsoever within the country, to emigrate from and to return to the country.

Article 16

Article 44 of the Constitution incorporates provisions relating to the family. It states that "The family shall be based on marriage freely entered into by the spouses, on their equality, and on the right and the duty of parents to provide for the development, education and instruction of their children."

Marriage is concluded freely by agreement between the future spouses (Family Code, article 1, para. 3, and articles 16 and 17). There are no racial, religious or legal restrictions affecting the free choice of partner by the future spouses.

According to article 25 of the Family Code, "Men and women have equal rights and responsibilities in the marriage relationship." Although this text appears under section I, entitled "Personal rights and responsibilities of spouses", chapter III, "Effects of marriage,", leaves no doubt that men and women have equal rights and responsibilities in the marriage relationship, not only regarding their personal relationship, but also in the patrimonial relationship arising from their marriage.

The effect of the principle of equality among spouses is that they decide by common agreement on everything having to do with the marriage (article 26). According to article 1, paragraph 4, men and women have equal rights both in their own interrelations and in the exercise of their rights vis-à-vis their children.

Article 27 provides for equality of men and women in respect of the choice of family name after marriage. The Family Code gives future spouses three alternatives: a) each of them retains the family name used before marriage; b) both employ the name of one spouse as the family name after marriage; c) both employ their two names, combined, as the family name after marriage.

In the light of the principle of equality of women and men, some of the effects of marriage are not possible in the personal relations between spouses. For example, neither spouse has the right to monitor the correspondence and social relations of the other. Any disagreement between the spouses on such matters may constitute grounds for divorce. Each spouse may freely choose his or her profession or post without having to obtain the other spouse's accord.

The marriage of children and the betrothal of girls before the age of puberty are prohibited, this injunction being laid down in article 4 of the Family Code, which states that a man may marry only when he has reached the

age of 18, and a woman, age 16 (in some circumstances outlined by the law, women may marry at age 15, but approval for the marriage must be given by the competent judicial authorities on the basis of a medical opinion).

The patrimonial relations between spouses are grounded in the principle of equality. The property of the spouses is thus, according to the law, owned in common or separately, with no distinction as to whether it was contributed by the man or the woman. Spouses manage, use and control common property jointly. The regulations on the termination of joint ownership and the redistribution of goods among the spouses entail no distinction whatsoever based on sex.

In its provisions regarding common or separate ownership of property on the part of spouses, the Family Code merely takes the personal relations between spouses created by virtue of the marriage, which are based, as we have seen, on equality of rights, to their logical conclusion. The communal life and household of spouses and their shared responsibility for raising the children mean that their patrimonial interests converge - in terms both of rights and of responsibilities.

Spouses must contribute, according to each's ability, to household expenditures (article 29 of the Family Code).

This contribution consists not only in financial outlays and material resources but also in the work done within the household itself.

The work of women in the household and in educating the children thus constitutes a contribution to the acquisition of communal property. This principle flows from those of equality of the sexes and by which members of a family are required to give one another moral and material support, the work of each member, no matter where it is done, being worthy of equal consideration. We must also point out that the legal literature and the practice of judicial bodies have confirmed this principle on numerous occasions.

In conformity with the principle of equality of the sexes, the spouses jointly manage and use their communal property and control it on an equal footing (article 35, para. 1). Women thus have the same rights as their husbands regarding ownership of property, acquisition, management and use of goods and the freedom to dispose of property during the marriage or after its dissolution. The provisions of articles 29 to 36 exclude any type of inequality between men and women as far as patrimonial rights and duties of spouses are concerned.

Women have the same rights and duties as men regarding responsibility for raising children and guardianship, wardship and adoption of children. There are no provisions discriminating against women in articles 97 to 112 setting out the rights and duties of parents vis-à-vis their children, in articles 113 to 141 concerning guardianship of minors, in articles 152 to 157 on wardship or in articles 65 to 85 on adoption.

Measures relating to the person and property of the child are adopted by common agreement between the parents; where the parents disagree on parental rights or responsibilities, the guardianship authorities will resolve the dispute after having heard the parents, and taking due account of the interests of the child.

As in the case of the conclusion of a marriage contract, where the free consent of both spouses is necessary, the will of both spouses is taken into account in the event the marriage is dissolved. Each of the spouses has the right to request that the marriage be dissolved if it has become impossible for him or her to continue with the marriage, for reasons that must be well founded in the eyes of the law.

The Labour Code has specific provisions on social protection for mothers and children.

These provisions regulate the length of paid maternity leave; breaks from work to feed and care for infants; paid medical leave to care for sick children under the age of 3; and the option of half-time work for women caring for children under the age of 6.

The year 1990 in Romania marked the start of a transition towards a new family policy. The family policy of the communist regime was distinctly pro-birth and pursued certain demographic targets by crude means. Numerous elements of the quality of life were neglected, and social welfare services for the family were poorly developed.

After December 1989, the Romanian Government turned towards a compensatory family policy to offset the excesses resulting from the pro-birth orientation. Decree No. 770/1965 prohibiting the interruption of pregnancy was abolished. A system of family planning was inaugurated to introduce contraceptive measures through broader dissemination of information in that field and by activities aimed at providing education and counselling to families. The implementation of these measures is, however, still limited by the lack of budgetary resources and the small number of specialists in the field.

Under these circumstances, it is still too early to say that the Government has a true family policy going beyond good intentions. As there is no Ministry of the Family, responsibilities in this field are at present shared among a number of institutions: the Ministry of Labour and Social Welfare, the Ministry of Health, the Ministry of Education and Science and the State Bureau for Disabled Persons. It is obviously necessary to create a network of family organizations, for there are virtually none today, and of non-governmental bodies that could play a major role in implementing a family policy. Before this can be done, public opinion must be alerted to these matters and a collective will to achieve the objectives of such a policy must be fostered.

The financial assistance provided by the State to the family consists of allowances paid by the State and fiscal advantages given to families with children.

There are a number of categories of allowances: State allowances for children, grants on the birth of a child, assistance for mothers with many children and for wives whose husbands are performing their military service and grants for children who are minors and who are placed in families to be raised and educated.

After the revolution, the Government became concerned with improving the terms for the provision of allowances by eliminating differences in their size based on location in urban or rural areas, abolishing the maximum income limitations for allowances for children (above which such allocations were no longer granted) and periodically raising their amounts in line with price rises and salaries.

The law on social welfare for the unemployed expressly states that allowances for children are to be provided simultaneously with unemployment payments, whose duration has recently been extended from six to nine months.

The Government has also taken care to ensure that such allowances are provided in the private sector as well.

The fiscal advantages given for families with children involve the reduction by 20 per cent of the income tax, irrespective of the number or age of the children.

Social services for families were very poorly developed before 1989, except for certain forms of medical assistance given primarily to pregnant women and to children. Today, we observe a desire to develop and diversify social services, but this must be done within the limits of the State budget.

Even before 1989, there were supplementary protection measures in Romania for mothers caring for children aged less than 3, measures intended to stimulate the birth rate. Aside from paid maternity leave of 112 days, mothers had the right to paid leave in the event a child aged less than 3 years fell ill, but such leave could not exceed two weeks a month. This rule, coupled with an underdeveloped chain of socio-medical services, was a constant source of stress and uncertainty for families.

After the revolution, the extension upon request of paid medical leave for a mother who wished to raise her child through the age of one year was instituted, which means that after 112 days of maternity leave, women have the option to remain at home to care for their children during the first year of life. This provision is one of the best in Europe in the field. The same rights are accorded to women who have accepted children under the family placement system.

An initial result of this law has been a considerable reduction in the infant mortality rate.

The Romanian Government has done everything possible over a short period of time to improve and diversify social welfare services for families and children by seeking to expand the scope of such services to cover young people and young families, but the practical difficulties inherent in the current transitional period have made it impossible to make real progress in improving social services for families.